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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/662,500 | 09/15/2003 | Nathaniel Bair | 67102-013 | 9191 |

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EXAMINER

CHURCH, CRAIG E

ART UNIT PAPER NUMBER

2882

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,500

Applicant(s)

BAIR, NATHANIEL

Examiner

Craig E. Church

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 14-20, 25-32 and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations conveyed by "crossbar" in claims 14 and 25 are unclear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17, 20-22, 25-27 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ning (6480565) in view of Graumann (6496558). Ning teaches computer tomography comprising rotating gantry 206 supporting cone beam x-ray source 210 and flat panel detector 208, motor 212 for rotating gantry 206, motor 214 for vertically moving gantry 206 along the rotation axis A, motor 216 for moving detector 208, computer 302 including disk memory 218, x-ray control 326 controlled by computer 302 on gantry 206 and gantry control 324 controlled by computer 302 on gantry 206. Ning does not teach that the source and detector are positioned below the crossbar. Graumann discloses x-ray imaging apparatus comprising crossbar 30 with an x-ray source 2 suspended from one end and an x-ray detector 4 suspended from the other end, extendable support 31 and motor 32 on the crossbar (gantry) for rotating the crossbar. The Ning teachings are not limited to mammography, and it would have been

obvious to position the source/detector below the "crossbar" such as for cranial imaging as taught by Graumann.

Claims 18, 19, 23, 24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ning and Graumann as above. In Ning's system the 3d images are ultimately formed by offboard host computer 306 rather than by gantry computer 302, but it would have been obvious to generate said images by computer 302 in order to shorten processing time by eliminating data transfer. Wirelless image transmission is notorious.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ning and Graumann as above. Ning fails to specify where gantry motor 212 is mounted, but gantry control 324 is on the gantry (figure 3), and it would have been obvious that gantry control would inherently include the motor as in Graumann. Furthermore lines 14-17 of column 15 reveal that the collimator (which is adjacent the x-ray source on the gantry) comprises motors.

Applicant's arguments filed June 7, 2005 have been fully considered but they are not persuasive. Applicant's specification teaches that the instant novelty resides in providing a computer and a motor on the rotating gantry. Such is explicitly taught by Ning, and whether the x-ray source/detector are above or below the "crossbar" is not patentably germane.

Applicant's assertion that motor 212 is not mounted on the gantry is unsupported by evidence or logic. Applicant acknowledges that motor 216 is mounted on the gantry (page 8 of the amendment). Furthermore lines 14-17 of column 15 of Ning reveal that

the collimator (which is adjacent the x-ray source on the gantry) comprises motors, and claim 1 does not specify what the recited motor is used to rotate.

While applicant alleges that Ning's CT scanner is not small or portable, no such limitations appear in the claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Examiner Church at telephone number (571) 272-2488.



Craig E. Church
Senior Examiner
Art Unit 2882